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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,889	08/01/2003	Kenneth R. Gearson	MSI-111	3051
42419	7590	02/09/2005	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195			GARRETT, ERIKA P	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

  <b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/632,889	GREARSON, KENNETH R.	
	Examiner	Art Unit	
	Erika Garrett	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 19-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/2/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 19-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species 2-12, their being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/27/04.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 11-12, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Puccinelli (5,145,032). Puccinelli discloses the use of a modular platform system comprising a plurality of platform modules, each platform module comprising: a framing member (5) suspended between a first support surface of the structure and a second support surface (25) of the structure; a second framing member suspended between the first support surface and the second support surface and mounted with respect to the first framing member; a deck panel (80) positioned between the first framing member and the second plurality of suspension members(3) each attached to the first framing member and removably mounted with respect to one of the first support surface and the second support surface; and a plurality of suspension members each

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attached to the second framing member and removably mounted with respect to one of the first support surface and the second support surface. In regards to claims 12, 16 and 18, a plurality of operatively connected platform modules, each platform module comprising a first and second framing member and at least one deck panel positioned between the first and second framing member; wherein the second platform module (25) is moveable (when you use the hooks 29) with respect to the first platform; wherein the first and second platform module are suspended to the structure.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puccinelli in view of Brudereck (4,702,175). Puccinelli discloses the use of a modular platform system comprising a first & second platform module comprising a first framing member suspendable with respect to the structure, a second framing member suspendable with respect to the structure. Puccinelli shows the use of all the claimed invention but fails to show the use of a trolley mounted with respect to the first platform module. Brudereck teaches the use of a trolley mounted with respect to the platform. It would have been obvious to one of ordinary skill in the art at the time of invention to

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modify the platform with a trolley as taught by Brudereck, in order to move the platform to a designated position.

Claims 2,5, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Puccinelli in view of Kurtgis (6,698,544). Puccinelli shows the use of all the claimed invention but fails to show the use of the suspension members being adjustable.

Kurtgis teaches the use of the suspension members being adjustable, see figures 1-9.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the suspension members as taught by Kurtgis, in order to get the desired height for the occupant use.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Puccinelli in view of Keegan (5,671,824). Puccinelli shows the use of all the claimed invention but fails to show the use of the deck panel comprising a heat seal. Keegan teaches the use of the deck panel comprising a heat seal (80). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the panel with heat seal as taught by Keegan, in order to protect the deck and other material from heat or smoke.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Puccinelli. Puccinelli shows the use of all the claimed invention but fails to show the use of a third platform. It would have been an obvious matter of design choice to have a third platform, since applicant has not disclosed that having a third platform solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with one or two platforms.


***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to model platform support: U.S Pat. No. 5299655, 6817444, 6386319, 6302237, 5074382, 3953980, 5730248, 5896609, 5394956, 6301735.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG  
February 2, 2005

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600